

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JIMMY L. ADKINS, KEREM BAY, LANA BONGIOVI, CLEMENT CAMPBELL, ANGELO CARPOLA, ALEXANDER CIOFFI, PATRICK H. CRAIN, DAVID CRONK, NANCY F. DEBE, DENNIS DELUCIE, CHARLES J. ENGEL, MATTHEW FARRELL, BENNY FAILLA, ROBERT J. GIANI, JOHN R. LACKENBAUER, JEAN-PARNELL LOUIS, WILLIAM J. MAHER, MICHAEL G. MCDOWELL, JOHN ROSSI, WILLIAM R. SHANNON, FRED H. SMITH, GARY E. SOBEK, DAMIAN SOBERS, CARMELA SZYMANSKI, ANTHONY TANZA, and CYNTHIA TORRES,

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

Civil Action No. 16-CV-00641 (JMA)(AKT)

**NOTICE OF MOTION TO DISMISS
THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Amended Complaint, the accompanying Declaration of Lisa M. Griffith dated October 20, 2017, and the exhibit annexed thereto, and all prior pleadings and proceedings had herein, Defendant Garda CL Atlantic, Inc. will move this Court, before the Honorable Joan M. Azrack, United States District Judge, at the United States District Court for the Eastern District of New York, Long Island Courthouse, 100 Federal Plaza, Central Islip, New York 11722, on the date and time previously set by the Court on September 27, 2017, for an Order dismissing the Amended Complaint of Plaintiffs Jimmy L. Adkins, Kerem Bay, Lana Bongiovi, Clement Campbell, Angelo Carpola, Alexander Cioffi, Patrick H. Crain, David Cronk, Nancy F. Debe, Dennis Delucie, Charles J. Engel, Matthew Farrell, Benny Failla, Robert J. Giani, John R. Lackenbauer,

Jean-Parnell Louis, William J. Maher, Michael G. McDowell, John Rossi, William R. Shannon, Fred H. Smith, Gary E. Sobek, Damian Sobers, Carmela Szymanski, Anthony Tanza, and Cynthia Torres (together, the “*Adkins* Plaintiffs”) with prejudice for a failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6) and 8(a), and for such other relief as the Court deems just and proper.

Date: October 20, 2017
Melville, New York

LITTLER MENDELSON, P.C.

By: /s/ Lisa M. Griffith

Lisa M. Griffith

Sanjay V. Nair

Daniel Gomez-Sanchez

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